

### **REMARKS**

Claims 9, 10, 12–17, 19–24 and 26–29 are pending in this application. By this Amendment, claims 9, 16 and 23 are amended. Support for amended claims 9, 16 and 23 may be found in for example paragraph [0056] in the instant specification. No new matter is added. Reconsideration and allowance of the application are respectfully requested.

### **ENTRY OF AMENDMENT AFTER FINAL REJECTION**

Entry of the amendment is requested under 37 CFR § 1.116 because the amendment: a) place the application in condition for allowance for the reasons discussed herein; b) do not present any additional claims without canceling the corresponding number of final rejected claims; and c) place the application in better form for appeal, if an appeal is necessary. Entry of the amendment is thus respectfully requested.

### **EXAMINER'S INTERVIEW**

Applicant appreciates the courtesies extended to Applicant's representative during the September 19, 2006 telephonic interview.

During the interview, Applicant's representative asserted that the claimed invention distinguishes over the applied references for the reasons set forth in the Response filed April 17, 2006. Specifically, Applicant asserted that Hilden and Vin, individually or in combination, fail to disclose or suggest a vehicle, comprising, *inter alia*, "the differential unit is a half-shaft differential unit immovable supported by a frame and having opposed swing axles extending from said differential unit to said wheels, the said profile suspension enabling said swing axles to move vertically independent of said differential unit", as recited in claims 9 and 16, and similarly recited in claim 23.

Examiner Vanaman was not responsive to the above assertion, and stated that Hilden and Vin, as broadly recited, teaches all of the limitations of claims 9, 16 and 23. Applicant's representative then suggested further claim amendments for the Examiner's consideration. Namely, "a torque box is positioned behind the rear axle of the vehicle so as to accommodate the differential unit and the swing axles, and the torque box does not extend beyond the rear wheels".<sup>1</sup> Examiner Vanaman stated that the propose amendments appear to overcome the applied references of Hilden and Vin. Thus, Applicant has amended claims 9, 16 and 23 as discussed for the Examiner's full consideration. Reconsideration and allowance of the application are respectfully requested.

---

<sup>1</sup> Support may be found in paragraph [0056].

### **OBJECTION TO THE CLAIMS**

Claims 9, 16 and 23 are objected to due to informalities. Applicant submits that claims 9, 16 and 23 have been amended to obviate the objection. Withdrawal of the objection is respectfully requested.

### **CLAIMS REJECTION – 35 U.S.C. §103**

#### **I. Hilden/Vin**

Claims 9-12, 16-19 and 23-26 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Hilden, U.S. Patent 5,012,885 in view of Vin, U.S. Patent 4,039,037. This rejection is respectfully traversed.

As discussed and agreed by the Examiner, Applicant submits that Hilden and Vin, individually or in combination, fail to disclose or suggest a vehicle, comprising, *inter alia*, “a torque box positioned behind the rear axle of the vehicle so as to accommodate the differential unit and the swing axles, said torque box does not extend beyond the rear wheels”, as recited in claims 9, 16 and 23.

By contrast, Hilden discloses supporting plates 34 secured to dead axle cross beam members 28 and 30, and suitable brackets 38 extending beyond rear wheel 32.<sup>2</sup>

With regard to Vin, Applicant submits that Vin is completely silent with regard to a “torque box”.

Because Hilden and Vin fails to disclose or suggest each and every feature of the claimed invention, they cannot provide a basis for a rejection under 35 U.S.C. § 103.

For at least these reasons, Applicant respectfully submits that Hilden and Vin, individually or in combination, fail to disclose or render obvious the features recited in independent claims 9, 16 and 23. Claims 10–12, 17-19, and 24-26, which depend from the independent claims are likewise distinguished over the applied art for at least the reasons discussed as well as for the additional features they recite. Reconsideration and withdrawal of the rejections are respectfully requested.

#### **II. Hilden/Vin/Maurer**

Claims 15, 22 and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hilden in view of Vin and Maurer et al. (hereinafter “Maurer”), U.S. Patent 6,035,956. This rejection is respectfully traversed.

As discussed as above, Hilden and Vin neither discloses nor suggest the claimed invention as found in claims 9, 16 and 23, the independent claims from which the rejected

---

<sup>2</sup> Hilden, Fig. 3.

claims depend. Further, Maurer fails to overcome the noted deficiencies of Hilden and Vin. Thus, it is respectfully requested that the rejection be withdrawn.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 9-10, 12-17, 19-24, 26-29 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By  Reg. No. 48078  
for Joseph M. Lafata, Reg. No. 37,166

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

JML/DJC/cm